

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ALEX LYLE #222501,

Plaintiff,

v.

Case No. 2:08-cv-29
HON. R. ALLAN EDGAR

WILLIAM WARREN, et. al.,

Defendants.

_____ /

MEMORANDUM AND ORDER

_____ Plaintiff Alex Lyle, a state prisoner in the custody of the Michigan Department of Corrections (MDOC), brings this *pro se* civil rights action under 42 U.S.C. § 1983 seeking a declaratory judgment, injunctive relief, and compensatory and punitive damages. Pursuant to W.D. Mich. LCivR 72.1 and 72.2, the plaintiff's complaint was referred to Magistrate Judge Timothy P. Greeley for initial screening under 28 U.S.C. § 1915A. On May 15, 2008, the Magistrate Judge submitted his report and recommendation. [Doc. No. 3]. The Magistrate Judge recommends that the plaintiff's complaint be dismissed *sua sponte* pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), 28 U.S.C. § 1915A(b)(1), and 42 U.S.C. § 1997e(c) for failure to state a claim upon which relief can be granted. It is also recommended that the dismissal of this action count as a strike for purposes of enforcing the "three-strikes rule" under 28 U.S.C. § 1915(g).

Plaintiff has not timely filed an objection to the report and recommendation. After reviewing the record, the Court **ACCEPTS and ADOPTS** the report and recommendation pursuant to 28

U.S.C. § 636(b)(1) and W.D. Mich. LCivR 72.3(b).

Accordingly, the plaintiff's entire complaint and all claims against the defendants under 42 U.S.C. § 1983 shall be **DISMISSED WITH PREJUDICE**. The dismissal of this frivolous action shall count as a strike for purposes of applying 28 U.S.C. § 1915(g). For the same reasons that the Court dismisses this action, the Court finds there is no good faith basis for an appeal from this decision. 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(4)(B); *McGore v. Wigglesworth*, 114 F.3d 601, 611 (6th Cir. 1997).

A separate judgment will be entered.

SO ORDERED.

Dated: June 19, 2008.

/s/ R. Allan Edgar

R. ALLAN EDGAR

UNITED STATES DISTRICT JUDGE